

**REMARKS:**

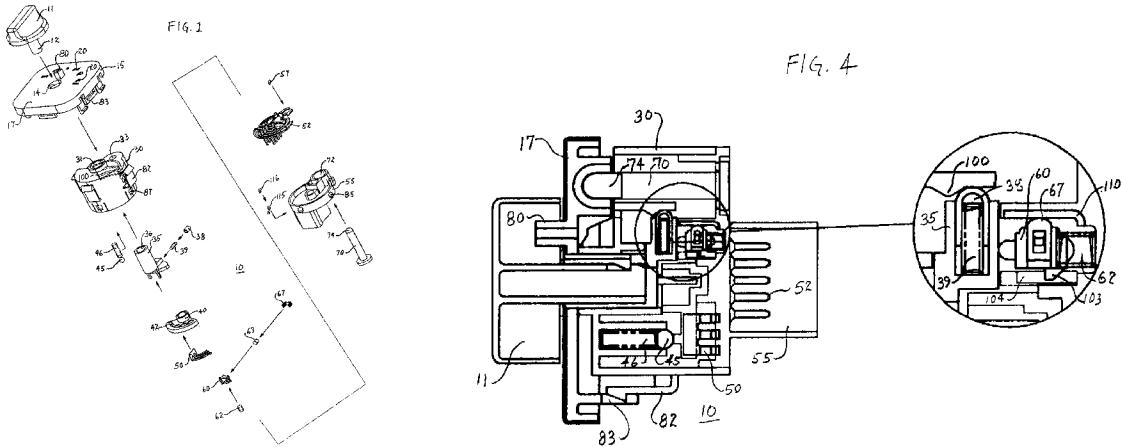
Claims 1-3 and 9-21 are pending in the application. Claim 1 is amended to clarify the spring-loaded nature of the axial positions. Applicant requests reconsideration and allowance in view of the above amendments and the following remarks.

**Rejections Under 35 U.S.C. §103**

Claims 1 (independent), 3, and 9 remain rejected under 35 U.S.C. § 103(a) based on Krishna, U.S. 6,515,240, in view of Hiwatahi, U.S. 4,146,758. According to the Office Action, Krishna shows a rotary light switch with a plurality of spring-loaded axial positions in which “a first axial position with a corresponding first lighting function is activated by a pulling movement from a neutral (“off”) position[,]” but not “an axial position with a corresponding lighting function activated by a pushing movement.” However, according to the Office Action, Hiwatahi discloses a rotary light switch with a plurality of spring-loaded axial positions in which “a first axial position with a corresponding first function is activated by a pushing movement[.]” Therefore, according to the Office Action, it would have been obvious to modify the Krishna switch “by adding an additional function activated by a pushing movement from the neutral position [as per Hiwatahi], in order to increase the functionality [of the switch] without requiring an additional switch or having to make the switch significantly larger in size.

More particularly with regard to Krishna, the Examiner references spring 62 as spring-loading the pulled-out axial position. Applicant submits, however, that that spring does not provide the same sort of spring-loading to the axial positions as recited in the claims. As clarified by the present amendment, the spring-loaded nature of the first and second axial positions returns the control element to the neutral position when a user releases the control element from the first and second axial positions, respectively. (Support for that amendment may be found, for example, at paragraphs [0029] and [0030] of the application.)

In Krishna, on the other hand, spring 62 biases one electrical contact holder 60 toward (but apparently not into contact with) another electrical contact holder 40, as explained at column 6, lines 1-6 and as illustrated in Figures 1 and 4, reproduced below.

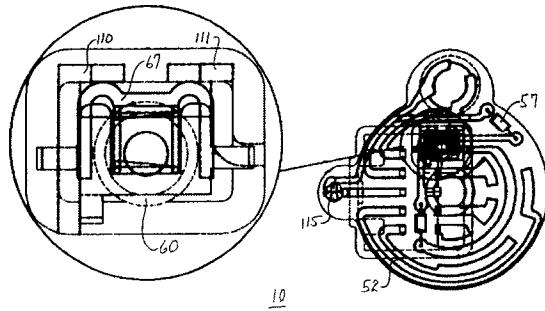


As further explained at column 7, lines 2-18 of Krishna,

[a]s shown, third holder 60 (see, also FIG. 1) is urged against first holder 35 by operation of spring 62 when switch knob 11 is in the inserted position, as shown. In this condition, detent element 38 is disposed on the right hand side of internal circumferential protuberance 100 that is formed on the circumferential inner surface of switch body 30 (shown in phantom in FIG. 1). However, when switch knob 11 is pulled toward the left in this figure, detent element 38 is drawn to the other side of circumferential protuberance 100, thereby permitting third holder 60 to be urged toward the left hand side by spring 62 along track 104 that is shown to be engaged with engagement element 103. In this pulled condition, third holder 60 with contact 67 causes the fog lamp circuit, via a stationary contact 110, to close, whereupon the fog lamp is illuminated and a corresponding indication is produced, as will be described hereinbelow with respect to FIGS. 14 and 15.

Thus, all spring 62 does is push the contact holder 60 into position to establish an electrical connection between the contact 67, supported by the contact holder 60 and urged laterally by another compression spring 63 (see column 6, lines 6-9 and Figure 1), and a stationary contact 110 (as illustrated in Figure 5, reproduced below) when the switch knob is pulled out (i.e., to the left in the orientation of Figure 4 and out of the plane of the page of Figure 5).

FIG. 5



Notably, the spring 62 does not function and is not arranged to return the switch knob 11 to the pushed in (“neutral”) position when the switch knob is released; detent element 38 and circumferential protuberance 100 prevent that. Rather, the user must affirmatively push the switch knob 11 back in to the “neutral” position (i.e., to the right in Figure 4) to overcome the action of the detent mechanism. Alternatively, Krishna does disclose a “return lobe” 122 – see column 7, line 65 through column 8, line 7 – that “serves to return switch knob 11 from the pulled to the original (i.e., not pulled) position when the switch knob is rotated, in [one] specific illustrative embodiment of the invention, to the ‘off’ position [to ensure] that the fog lamp does not inadvertently remain activated when it is desired to deactivate all vehicle lamps.” Again, however, the user must affirmatively manipulate the switch knob in some fashion to get it to return to the pushed in (“neutral”) position, since the pulled-out axial position is not spring-loaded in a manner to do so. Thus, unlike the present invention, the Krishna switch arrangement is axially bi-stable: it is either pushed in or pulled out, and it remains that way until the user affirmatively manipulates the knob to change the configuration.

Similarly, the Hiwatahi switch configuration is also two-position bi-stable. As Applicant explained in the previous Response to the outstanding Final Office Action, Hiwatahi discloses a rotary switch that has two axial positions, with a multiplicity of functional angular positions – in particular, to select channels on a CB radio – at each of those axial positions. This configuration allows one range of channels to be selected by turning the knob when the switch is in one axial position and another range of channels to be selected by turning the knob when the switch is in the second axial position. (See, for example, column 2, lines 33-36 of Hiwatahi.) Notably,

however, Hiwatahi does not disclose any spring action to move the switch from one axial position to the other (since that would obviously defeat the user's selection of a particular CB channel). Thus, as with the Krishna switch configuration, the user must affirmatively manipulate the knob in order to move it from one axial position to the other.

Given this lack of disclosure in either reference of spring-biasing that moves the knob from one axial position to another, it follows that the combination of references cannot yield the claimed invention, in which the spring-loaded nature of the pushed in and pulled out axial positions returns the control element to the neutral position when the user releases the control member. Accordingly, Applicant requests reconsideration and withdrawal of the rejection.

Dependent claim 2 is rejected under 35 U.S.C. § 103(a) based on Krishna in view of Hiwatahi as applied to claim 1 and further in view of Schultz, U.S. 3,500,120, on which the Examiner relies for disclosure of a switch in which the positions correspond to the specific claim-recited functions. Dependent claim 10 is rejected under 35 U.S.C. § 103(a) based on Krishna in view of Hiwatahi as applied to claim 1 and further in view of Williams, U.S. 4,900,946, on which the Examiner relies for disclosure of a switch in which the positions correspond to other specific claim-recited functions. Applicant submits, however, that neither tertiary reference remedies the defects of Krishna and Hiratawi vis-à-vis the claimed invention as explained above. Accordingly, Applicant requests reconsideration and withdrawal of these rejections, too.

### **Allowable Subject Matter**

Claims 11-21 are allowed. In view of the foregoing, however, Applicant submits that all pending claims are in condition for allowance, and timely Notice to that effect is respectfully requested

In view of the foregoing, Applicants submit that all claims are in condition for allowance, and timely Notice to that effect is respectfully requested.

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The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7589.159.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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